

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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REGINALD BINGHAM
Plaintiff (s),

vs.

CITY OF LAS VEGAS,
Defendant.

2:08-CV-1861-JCM-RJJ

MINUTES OF THE COURT

DATED: MARCH 1, 2011

THE HONORABLE JAMES C. MAHAN UNITED STATES DISTRICT JUDGE

DEPUTY CLERK DAVID OAKES COURT REPORTER JOY GARNER

COUNSEL FOR PLAINTIFF(S) KIRK T. KENNEDY

COUNSEL FOR DEFENDANT(S) PHILLIP R. BYRNES , DAVID BAILEY

MINUTES OF PROCEEDINGS: **JURY TRIAL (DAY TWO)**

The Court convened at 9:00 a.m., in the presence of the jury. Parties stipulated to their presence. **DOCTOR VICTOR KLAUSNER**, is called to the stand, sworn and testified on direct examination by Mr. Kennedy, ***plaintiff's exhibits #35, #63, #65, are marked and admitted into evidence, defendant's exhibit #538 is marked and admitted into evidence***, cross examination by Mr. Byrnes, then is excused.

LLOYD PHILLIPS, is called to the stand, sworn and testified on direct examination by Mr. Kennedy, cross examination by Mr. Byrnes, re-direct examination by Mr. Kennedy, then is excused.

Court recessed at 10:28 a.m., to 10:40 a.m. Jury was admonished and excused.

Court reconvened at 10:45 a.m., in the presence of the jury. Parties stipulated to their presence.

JANE LUCAS, is called to the stand, sworn and testified on direct examination by Mr. Kennedy, ***plaintiff's exhibit #60 is marked and admitted into evidence***, cross examination by Mr. Bailey, ***plaintiff's exhibit #95 is marked and admitted into evidence, defendant's exhibit #517 is marked and admitted into evidence***, re-direct examination by Mr. Kennedy, then is excused.

PLAINTIFF RESTS:

Court recessed at 11:50 a.m., for lunch. Jury was admonished and excused.

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Tuesday, March 1, 2011

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Court reconvened at 1:30 p.m., in the presence of the jury. Parties stipulated to their presence.

LYNNELLE MILNER, is called to the stand, sworn and testified on direct examination by Mr. Bailey, cross examination by Mr. Kennedy, then is excused.

DAVID SCHISSLER, is called to the stand, sworn and testified on direct examination by Mr. Byrnes, cross examination by Mr. Kennedy, then is excused.

Court recessed at 2:30 p.m. Jury was admonished and excused.

Court reconvened at 2:35 p.m., outside the presence of the jury.

Motion for a judgment as a matter of law was filed in open court and argued by Mr. Byrnes. Mr. Kennedy replied to the arguments of Mr. Byrnes.

Mr. Kennedy moved for the dismissal of the State law claims which the court granted.

Court recessed at 2:45 p.m.

Court reconvened at 2:50 p.m., in the presence of the jury. Parties stipulated to their presence.

DEFENSE RESTS:

Court recessed at 2:55 p.m., for the purpose of settling jury instructions. Jury was admonished and excused for the day.

Court reconvened at 2:56 p.m., outside the presence of the jury for the purpose of settling jury instructions. Court and counsel discussed the proposed jury instructions that will be given to the jury. Court informed counsel to have the damages instruction and verdict form complete by tomorrow morning. Counsel agreed that they would have them completed by tomorrow.

Court recessed at 3:10 p.m., for the remainder of the day.

IT IS HEREBY ORDERED the jury trial in this matter shall continue to **Wednesday, March 2, 2011 at 9:30 a.m.**

The Court adjourned at 3:15 p.m.

LANCE S. WILSON, CLERK
U.S. DISTRICT COURT

BY: /S/
David Oakes, Deputy Clerk